

Re. : Amendment and Response to Office Action Mailed March 30, 2006
Appl. No. : 10/669,740
Filed : September 24, 2003

II. REMARKS

Claims 1, 2, 5-7 and 9-16 were previously pending in the application and the Office Action rejected Claims 1, 2, 5-7 and 9-16. By the foregoing amendments, Applicants amended Claims 1, 2, 9, 10, 12, 13 and 15 to further clarify, more clearly define and/or broaden the claimed invention, and expedite receiving a notice of allowance. Pursuant to 37 C.F.R. § 1.121(f), no new matter is introduced by these amendments. Applicants believe that Claims 1, 2, 5-7, 9-10 and 12-16 are now in condition for allowance.

Please note that Applicants' remarks are presented in the order in which the issues were raised in the Office Action for the convenience and reference of the Examiner. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' discussion and understanding of the references, if any, is consistent with the Examiner's. Further, the following remarks are not intended to be an exhaustive enumeration of the distinctions between any particular reference and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and that reference.

A. Response to the Rejection Section 102(e)

The Office Action rejected Claims 1, 2, 5-7 and 9 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0233967 by Lin. The Office Action stated that the Lin publication teaches a table (1) with a table top, the table top has a top surface and a bottom surface, a mounting structure (12) is centrally disposed on the bottom surface, and the mounting structure (12) including a first portion (A', C') and a second portion (B', D'). The

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Office Action also states that the Lin publication teaches a support assembly (26, 27) that is partially connected to the mounting structure (12), the support assembly comprises a first elongated support member (E') attached to the first portion (A', C') of the mounting structure (12) and a spaced apart second elongated support member (F') attached to the second portion (B', D') of the mounting structure (12). Additionally, the Office Action states the Lin publication teaches a first connecting member (G') is connected to the first support member (E') and the second support member (F'), a frame assembly has a first leg (23) which is attached to the first end of a first support brace (25), the second end of the first support brace is attached to the first connecting member (G') of the support assembly (26, 27), the mounting structure (12) comprises a pair of C-shaped mounting ridges (A', B') formed in the first portion (A', C') and the second portion (B', D') of the mounting structure (12) as seen in marked up Figure 1. The Office Action further contends the Lin publication teaches the mounting structure (12) is formed integrally with the table top, the table top is formed of blow-molded plastic, a second connecting member (H') is connected to the first support member (E') and the second support member (F'), a second leg (23) is movable between a use position and a storage position, a second support brace (25) includes a first portion and a second portion, the first portion is attached to the second leg (23) and the second portion is attached to the second connecting member (H') of the support assembly (26, 27).

Applicants respectfully traverse this rejection because the Lin publication patent fails to disclose each and every limitation of Claims 1, 2, 5-7 and 9. Nevertheless, as mentioned above, in order to further clarify, more clearly define and/or broaden the claimed invention, and expedite receiving a notice of allowance, Applicants amended Claim 1, *inter alia*, to provide "a

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mounting structure centrally disposed on the bottom surface of the table top, the mounting structure including a first generally C-shaped portion including a center section with a first end and a second end, and a second generally C-shaped portion including a center section with a first end and a second end.” Applicants also amended Claim 1 to provide “a first elongated support member attached to the center section of the first generally C-shaped portion of the mounting structure, a first end of the first elongated support member being disposed proximate the first end of the center section of the first generally C-shaped portion and a second end of the first elongated support member being disposed proximate the second end of the center section of the first generally C-shaped portion” and “a second elongated support member attached to the center section of the second generally C-shaped portion of the mounting structure, the second support member being spaced apart from the first support member, a first end of the second elongated support member being disposed proximate the first end of the center section of the second generally C-shaped portion and a second end of the second elongated support member being disposed proximate the second end of the center section of the second generally C-shaped portion.” Further, Applicants amended Claim 1 to provide “a first connecting member connected to the center section of the first support member and the center section of the second support member, the first connecting member being disposed inwardly and away from the first end of the center section of the first support member and the first end of the center section of the second support member.”

Thus, Claim 1 now positively recites the mounting structure includes a first generally C-shaped portion including a center section with a first end and a second end, and a second generally C-shaped portion including a center section with a first end and a second end.

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Claim 1 also positively recites the first elongated support member is attached to the center section of the first generally C-shaped portion of the mounting structure, a first end of the first elongated support member being disposed proximate the first end of the center section of the first generally C-shaped portion and a second end of the first elongated support member being disposed proximate the second end of the center section of the first generally C-shaped portion and the second elongated support member is attached to the center section of the second generally C-shaped portion of the mounting structure, the second support member being spaced apart from the first support member, a first end of the second elongated support member being disposed proximate the first end of the center section of the second generally C-shaped portion and a second end of the second elongated support member being disposed proximate the second end of the center section of the second generally C-shaped portion. Further, Claim 1 positively recites the first connecting member is connected to the center section of the first support member and the center section of the second support member, the first connecting member being disposed inwardly and away from the first end of the center section of the first support member and the first end of the center section of the second support member.

In contrast, the Lin publication does not disclose, for example, a mounting structure including a first generally C-shaped portion including a center section with a first end and a second end, and a second generally C-shaped portion including a center section with a first end and a second end; a first elongated support member that is attached to the center section of the first generally C-shaped portion of the mounting structure; a second elongated support member that is attached to the center section of the second generally C-shaped portion of the mounting structure; and a first connecting member connected to the center section of the first support

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member and the center section of the second support member, the first connecting member being disposed inwardly and away from the first end of the center section of the first support member and the first end of the center section of the second support member.

Accordingly, Applicants respectfully submit that Claim 1 is allowable and request that this Section 102(e) rejection be withdrawn. In addition, Applicants respectfully submit that the rejection of dependent Claims 2, 5-7 and 9 be withdrawn at least because these claims are dependent upon amended Claim 1.

B. Response to Section 103(a) Rejection

The Office Action rejected Claims 10-16 under 35 U.S.C. § 103(a) as being unpatentable over the Lin publication. In particular, the Office Action stated that the Lin publication discloses every element as claimed and discussed above except first and second openings in the first and second elongated support members to allow for the connection of the first and second connecting members. The Office Action stated that as ascertained from Figures 1-3, it appears that openings on the connecting members receive the elongated support members. The Office Action contends that it would have been obvious for a person of ordinary skill in the art to modify the support assembly of the Lin publication by having the openings on the elongated support members to receive the connecting members since applicant has not disclosed that having the openings on the elongated support members solves any stated problem or is for any particular purpose and it appears that the support assembly would perform equally well with the openings on the connecting members to receive the elongated support members since it is functionally equivalent and works equally well.

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Applicants respectfully traverse this rejection, *inter alia*, because the cited reference fails to disclose each and every limitation of Claims 10-16. Please note that Applicants cancelled Claim 11 without prejudice.

Claim 10

As set forth above, in order to further clarify, more clearly define and/or broaden the claimed invention, and expedite receiving a notice of allowance, Applicants amended Claim 10. For example, Applicants amended Claim 10 to provide “a first elongated support member including a first end and a second end; a second elongated support member including a first end a second end, the second elongated support member being spaced apart from the first support member.” Applicants also amended Claim 10 to provide “the first opening of the first elongated support member being disposed away from and spaced apart from the first end and the second end of the first elongated support member, the first opening of the second elongated support member being disposed away from and spaced apart from the first end and the second end of the second elongated support member.” Further, Applicants amended Claim 10 to provide “a second connecting member connected to the first support member and the second support member, a portion of the second connecting member being disposed in a second opening of the first elongated support member and a portion of the second connecting member being disposed in a second opening of the second elongated support member, the second opening of the first elongated support member being disposed away from and spaced apart from the first end and the second end of the first elongated support member, the second opening of the second elongated support member being disposed away from and spaced apart from the first end and the second

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end of the second elongated support member.”

Thus, amended Claim 10 positively recites the first elongated support member includes a first end and a second end; and the second elongated support member includes a first end a second end.” Applicants also amended Claim 10 to provide the first opening of the first elongated support member is disposed away from and spaced apart from the first end and the second end of the first elongated support member, the first opening of the second elongated support member is disposed away from and spaced apart from the first end and the second end of the second elongated support member. Further, Applicants amended Claim 10 to provide the second connecting member is connected to the first support member and the second support member, a portion of the second connecting member being disposed in a second opening of the first elongated support member and a portion of the second connecting member being disposed in a second opening of the second elongated support member, the second opening of the first elongated support member being disposed away from and spaced apart from the first end and the second end of the first elongated support member, the second opening of the second elongated support member being disposed away from and spaced apart from the first end and the second end of the second elongated support member.

In contrast, the Lin publication does not teach, suggest or disclose, *inter alia*, a first opening of a first elongated support member that is disposed away from and spaced apart from a first end and a second end of the first elongated support member or a first opening of a second elongated support member that is disposed away from and spaced apart from a first end and a second end of the second elongated support member. The Lin publication also does not teach, suggest or disclose, *inter alia*, a second connecting member connected to the first support

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member and the second support member, a portion of the second connecting member being disposed in a second opening of the first elongated support member and a portion of the second connecting member being disposed in a second opening of the second elongated support member, the second opening of the first elongated support member being disposed away from and spaced apart from the first end and the second end of the first elongated support member, the second opening of the second elongated support member being disposed away from and spaced apart from the first end and the second end of the second elongated support member.

Consequently, Applicants respectfully request that this Section 103(a) rejection of Claim 10 be withdrawn.

Claims 13-16

As set forth above, in order to further clarify, more clearly define and/or broaden the claimed invention, and expedite receiving a notice of allowance, Applicants amended Claim 10. For example, Applicants amended Claim 13 to provide “a first support member connected to the attachment portion of the first mounting structure, a first end of the first support member being disposed at least proximate the first end of the attachment portion of the first mounting structure, a second end of the first support member being disposed at least proximate the second end of the attachment portion of the first mounting structure.” Applicants also amended Claim 10 to provide “a second support member connected to the attachment portion of the second mounting structure, a first end of the second support member being disposed at least proximate the first end of the attachment portion of the second mounting structure, a second end of the second support member being disposed at least proximate the second end of the attachment portion of the second

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mounting structure.” Additionally, Applicants amended Claim 10 to provide “the first opening of the first elongated support member being disposed away from and spaced apart from the first end of the first elongated support member, the first opening of the second elongated support member being disposed away from and spaced apart from the first end of the second elongated support member.” Further, Applicants amended Claim 10 to provide “the second opening of the first elongated support member being disposed away from and spaced apart from the second end of the first elongated support member, the second opening of the second elongated support member being disposed away from and spaced apart from the second end of the second elongated support member.”

Thus, amended Claim 13 positively recites a first end of the first support member is disposed at least proximate the first end of the attachment portion of the first mounting structure, and a second end of the first support member is disposed at least proximate the second end of the attachment portion of the first mounting structure.” Applicants also amended Claim 13 to positively recite a first end of the second support member is disposed at least proximate the first end of the attachment portion of the second mounting structure, and a second end of the second support member is disposed at least proximate the second end of the attachment portion of the second mounting structure. Additionally, Applicants amended Claim 13 to positively recite the first opening of the first elongated support member is disposed away from and spaced apart from the first end of the first elongated support member, and the first opening of the second elongated support member is disposed away from and spaced apart from the first end of the second elongated support member. Further, Applicants amended Claim 10 to positively recite the second opening of the first elongated

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support member is disposed away from and spaced apart from the second end of the first elongated support member, and the second opening of the second elongated support member being disposed away from and spaced apart from the second end of the second elongated support member.

In contrast, the Lin publication does not teach, suggest or disclose, *inter alia*, the first opening of the first elongated support member is disposed away from and spaced apart from the first end of the first elongated support member, and the first opening of the second elongated support member is disposed away from and spaced apart from the first end of the second elongated support member. The Lin publication also does not teach, suggest or disclose, *inter alia*, a the second opening of the first elongated support member is disposed away from and spaced apart from the second end of the first elongated support member, and the second opening of the second elongated support member being disposed away from and spaced apart from the second end of the second elongated support member.

Therefore, Applicants respectfully request that this Section 103(a) rejection of Claim 13 be withdrawn. Additionally, Applicants request that this Section 103(a) rejection of Claims 14-16 be withdrawn at least because these claims are dependent upon amended Claim 10. Thus, Claims 13-16 are in condition for immediate allowance.

Response to the First Double Patenting Provisional Rejection

The Office Action rejected Claims 1, 2, 5-7 and 9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 18-36 of co-pending U.S. patent application serial no. 10/692,141.

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Applicant respectfully traverses this rejection. However, as stated in the Office Action, a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. *See* 37 C.F.R. § 1.130(b).

Accordingly, in order to expedite receiving a Notice of Allowance, Applicant submits herewith a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). Applicant is also submitting herewith two Certificates under 37 C.F.R. § 3.73(b) establishing that U.S. patent application serial no. 10/692,141 and this application are commonly owned by Assignee, Lifetime Hong Kong, Limited.

In particular, the first Certificate under 37 C.F.R. § 3.73(b) demonstrates that Assignee Lifetime Hong Kong, Limited is the owner of U.S. patent application serial no. 10/692,141. The second Certificate under 37 C.F.R. § 3.73(b) demonstrates that Assignee Lifetime Hong Kong, Limited is the owner of this application. Accordingly, Applicant requests that this rejection be withdrawn. This terminal disclaimer is accompanied by the fee set forth in 37 C.F.R. § 1.20(d) in the amount of \$130.00.

Response to the second Double Patenting Provisional Rejection

The Office Action rejected Claims 1, 2, 5-7 and 9-16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-20 of co-pending U.S. patent application serial no. 10/681,975.

Applicant respectfully traverses this rejection. However, as stated in the Office Action, a

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timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. *See* 37 C.F.R. § 1.130(b).

Accordingly, in order to expedite receiving a Notice of Allowance, Applicant submits herewith a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). Applicant is also submitting herewith two Certificates under 37 C.F.R. § 3.73(b) establishing that U.S. patent application serial no. 10/681,975 and this application are commonly owned by Assignee, Lifetime Hong Kong, Limited.

In particular, the first Certificate under 37 C.F.R. § 3.73(b) demonstrates that Assignee Lifetime Hong Kong, Limited is the owner of U.S. patent application serial no. 10/681,975. The second Certificate under 37 C.F.R. § 3.73(b) demonstrates that Assignee Lifetime Hong Kong, Limited is the owner of this application. Accordingly, Applicant requests that this rejection be withdrawn. This terminal disclaimer is accompanied by the fee set forth in 37 C.F.R. § 1.20(d) in the amount of \$130.00.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that Claims 1-2, 5-7 and 9-16 are allowable over the cited references and are in condition for allowance. Accordingly, Applicants request that a Notice of Allowance be promptly issued.

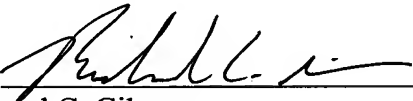
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If any further impediments to allowance of this application remain, the Examiner is cordially invited to contact the undersigned by telephone so that these remaining issues may be promptly resolved.

The Commissioner is authorized to charge payment of any additional fees associated with this communication, which have not otherwise been paid, to Deposit Account No. 23-3178. If any additional extension of time is required, which have not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Respectfully submitted,

Dated: June 29, 2006

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